



DEPARTMENT OF THE ARMY

REPLY TO
ATTENTION OF:

AFZP-CG

1 April 2005

MEMORANDUM THRU

SUBJECT: Friendly Fire Incident-SPC Anderson, Danny L., 5878, 1-9 FA, 2 BDE, 3 ID, Iraq

1. Pursuant to DODI 6055.7, Accident Investigation, Reporting and Record Keeping, I am forwarding you the attached investigation involving the death of Specialist Anderson, Danny L. on 27 February 2005 for your action and signature. I have reviewed this investigation and pursuant to AR 15-6, I hereby ratify the appointment of [redacted] as the investigating officer. Furthermore, I concur with the findings and recommendations in this investigation.
2. The investigation indicates that SPC Anderson was hit with a ricochet from friendly fire while manning a traffic control point (TCP) in Baghdad, Iraq with members of his platoon. The TCP was conducted in accordance with the Division FSOP checklist. SPC Anderson was located at the rear of the TCP to serve as over-watch during vehicle searches.
3. Shortly after establishing the TCP, around 2030, a vehicle approached the TCP at a high rate of speed. The soldiers at the TCP followed the proper rules of engagement (ROE) by first attempting to stop the vehicle by using hand and arm signals. The vehicle did not slow but kept driving toward the TCP. The soldiers next tried shouting stop in Arabic but that did not work either. The soldiers next tried stopping the vehicle by firing warning shots. This also did not work and so the soldiers began firing at the oncoming vehicle.
4. In an effort to avoid being run over by the vehicle that was heading in his direction, SPC Anderson moved out of the way while two of his fellow soldiers were engaging the vehicle with their M16A2s. It appears that a ricochet from one of the rounds from one of the two soldier's weapons struck SPC Anderson. According to the medical examiner the round traveled from the right to the left, from the back to the front and down. SPC Anderson received immediate medical attention but died shortly thereafter.
5. The Investigating Officer concludes that the TCP was established correctly, the soldiers responded appropriately, and all soldiers were trained on both their weapons and the proper

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SUBJECT: Friendly Fire Incident-SPC Anderson, Danny L., 5878, 1-9 FA, 2 BDE, 3 ID, Iraq

procedures for manning the TCP. As a result, I concur with both the findings and recommendations of the investigating officer.

6. POC is the Staff Judge Advocate at DSN 318-847-1850.



U.S. Army
Commanding



DEPARTMENT OF THE ARMY

REPLY TO
ATTENTION OF:

AFZP-VF-C

27 February 2005

MEMORANDUM FOR [REDACTED]

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed as an investigating officer pursuant to Army Regulation (AR) 15-6, Procedures for Investigating Officers and Boards of Officers, to conduct an informal investigation to determine the facts and circumstances surrounding the death of SPC Danny L. Anderson on 27 February 2005.
2. You will conduct a thorough investigation of the matter to determine the circumstances surrounding the death of SPC Anderson. Among other things, this investigation will serve as the foundation for the US Army Casualty Collateral Investigation Brief that eventually will be presented in person by the BCT Commander to the primary next of kin. The investigation must be detailed. Facts concerning the uniform the soldier was wearing, positioning, task and purpose, external factors, etc. must be investigated and analyzed.
3. Prior to the beginning of your investigation, you must contact [REDACTED], the Command Judge Advocate, [REDACTED] will be your legal advisor.
4. In conducting your investigation, use informal procedures under AR 15-6. Make specific findings as to the allegations above. The evidence you gather should support your findings. Make recommendations consistent with your findings to address any perceived or actual improper or criminal conduct.
5. In your investigation, all witness statements will be sworn and written on DA Form 2823, Sworn Statement. If, in the course of your investigation, you come to suspect that any individuals have committed a criminal offense, then use DA Form 3881, Rights Warning/Procedure Waiver Certificate, to advise them of their rights under Article 31, Uniform Code of Military Justice, or the Fifth Amendment (if interviewing a civilian), as appropriate. In addition, provide witnesses with a Privacy Act Statement before you interview them (See AR 15-6, Appendix B).
6. I direct you to keep a daily chronology of all investigative activities and encourage you to consult with your legal advisor whenever and as often as necessary. In the case of any alleged

AFZP-VF-C

SUBJECT: Appointment of Investigating Officer

7. Submit your findings and recommendations to me on DA Form 1574 not later than 0800 hours 1 March 2005. Should you require additional time, coordinate with me, through

AR
Commanding

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

ointed by _____

(Appointing authority)

on 27 FEB 05
(Date)

(Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at _____

(Place)

at _____

2200hrs

(Time)

on 27 FEB 05
(Date)

(If a formal board met for more than one session, check here ☒. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at _____

1300hrs

(Time)

on _____

23 March 2005

(Date)

and completed findings and recommendations at _____

1300hrs

(Time)

on _____

23 March 2005

(Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO ^{1/}	NA ^{2/}
1 Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?	X		
b. Copy of notice to respondent, if any? (See item 9, below)			X
c. Other correspondence with respondent or counsel, if any?			X
d. All other written communications to or from the appointing authority?			X
e. Privacy Act Statements (Certificate, if statement provided orally)?	X		
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
g. Information as to sessions of a formal board not included on page 1 of this report?			X
Other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	X		

FO

1/ Explain all negative answers on an attached sheet.

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

2	Exhibits (para 3-16, AR 15-6)	YES	NO ^{1/}	NA ^{2/}
a.	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b.	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c.	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
e.	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X		
f.	Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
g.	If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
a.	Is the method and date of delivery to the respondent indicated on each letter of notification?			
b.	Was the date of delivery at least five working days prior to the first session of the board?			
c.	Does each letter of notification indicate –			
(1)	the date, hour, and place of the first session of the board concerning that respondent?			
(2)	the matter to be investigated, including specific allegations against the respondent, if any?			
(3)	the respondent's rights with regard to counsel?			
(4)	the name and address of each witness expected to be called by the recorder?			
(5)	the respondent's rights to be present, present evidence, and call witnesses?			
	Was the respondent provided a copy of all unclassified documents in the case file?			
	If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a.	Was he properly notified (para 5-5, AR 15-6)?			
b.	Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
a.	Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
b.	Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c.	If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a.	Was the challenge properly denied and by the appropriate officer?			
b.	Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a.	Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b.	Examine and object to the introduction of real and documentary evidence, including written statements?			
c.	Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d.	Call witnesses and otherwise introduce evidence?			
e.	Testify as a witness?			
f.	Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
NOTES: 1/ Explain all negative answers on an attached sheet. 2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:

On or about 2029 27 FEB 05, while in the process of establishing a hasty traffic control point (TCP) vicinity approximately 4km northeast of the Jisr Diyala (JD) traffic circle, a civilian vehicle approached the TCP at a high rate of speed (Exhibit K, L, N, O, Q, S, & W).

CP was conducted in accordance with (IAW) the Division FSOP checklist, using drill #4 -Traffic Control Point. However, there some minor adjustments due to METT-TC and the equipment available, such as barriers and sawhorses (Exhibit AT). The TCP was established using bright orange cones with chemlites as a limited visibility-marking device (Exhibit N & AQ). The cones were positioned in such a manner as to funnel traffic into the checkpoint and search area (Exhibit AE, AF, & AG). A TCP notification sign written in Arabic was placed on the very first cone approximately 100m away from the checkpoint and was illuminated with a chemlite. Two Iraqi vehicles had previously made U-turns to avoid entering the TCP validating the early warning and visibility of the checkpoint to drivers (Exhibit S). Moonrise for the night of 27 FEB 05 was at 2108 hours, with an illumination of 92% (Exhibit AL). Each soldier had the capability to utilize night vision devices (PVS-7As); however the use of white light from the Field Artillery Ammunition Supply Vehicle (FAASV) and flashlights available limited their use during this operation. In addition, the unit as a whole, specifically the soldiers that were involved with this operation never fired their weapons at night using their Close Combat Optics, the M68 and the ACOG, due to the lack of time during RSOI in Kuwait (Exhibit AR & AT). Prior to commencement of the operation, deliberate Pre-Combat Checks (PCCs), Pre-Combat Inspections (PCIs), and rehearsals were conducted (Exhibits X & AS). A timeline for the rehearsals and backbriefs as well as the risk assessment is included in Exhibit AS. A detailed breakdown of prior training of all soldiers involved, to include weapon qualification can be viewed in Exhibit AK, AM, AN, & AX. SPC Anderson's training included Convoy Procedures, React to Sniper Fire, Enter and Clear a Building, and Assault a Bunker during JRTC 04-10 in September 2004. In October 2004 he qualified on his assigned weapon and conducted Buddy Team Live Fire at Ft. Stewart. In addition, he trained on Close Combat Live Fire, conducted an Entry Control Point, conducted a Traffic Control Point, and reverified his zero on his assigned weapon during RSOI in Kuwait. Lastly, he trained on Vehicle Search and Seizure, Road Block Operations, and Personal Escort Operations during Right Seat Ride with the 1st Cavalry Division on February 2005 in Baghdad. In addition, on this evening SPC Anderson's section had already successfully executed one hasty TCP at the Jisr Diyala Traffic Circle. With civilian traffic adjusting their traffic pattern to avoid the TCP as reported by attack helicopter working in support of the element, the battery commander ordered SPC Anderson's section to execute their planned move, but to establish the next TCP at [redacted].

Anti-Iraqi Forces were active throughout the evening with small arms fire steadily being reported and the occasional marking flare, red or green, illuminating the night sky indicating that the action of the vehicle was hostile as stated in Exhibit AR & AT. The incident happened during the final set up of the TCP and before final leader checks were complete denying [redacted] the opportunity to assign sectors of fire to his section (Exhibit AU). As the soldiers assumed their positions, the approaching vehicle was identified, the two soldiers - PFC [redacted] and [redacted], located at the front of the TCP, tried to signal the vehicle to slow down by waving chemlites in the air (Exhibit [redacted] and [redacted]); but it was not effective. They immediately notified [redacted] the senior leader on the ground, that the vehicle was approaching with no indication that it was going to stop. [redacted] then ordered them to "stop the vehicle" (Exhibit N, O, & W). The [redacted] two soldiers tried to signal the vehicle to stop by using Arabic and American hand signals (Exhibit K, O, & S), but that method was active either. The soldiers then started to shout "Awgaf, Awgaf" (Exhibit K, O, & S), but the vehicle still proceeded toward the [redacted] at high speed. Although [redacted] was in control of the TCP, he did not have enough time to give his soldiers the command to fire their weapon. Although several eyewitness accounts place the speed of the Iraqi vehicle at 70mph, I suspect that the vehicle was actually traveling at approximately 50mph. Even at 50mph (75ft/sec) the Iraqi vehicle closed the 100m distance in less than 4 sec. There was only enough time to react with lethal force by the time [redacted] noticed how close the vehicle was to the TCP (Exhibit AU).

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

The first contributing factor for this incident includes an Iraqi vehicle being operated by an illiterate, nearly blind, unlicensed driver. Second, the location of the TCP was on a road without street lights and the moonrise was not until 2108hrs resulting in limited visibility. In addition, the enemy activity in the area of operations was steadily being reported throughout the night causing the soldiers to increase their level of alertness. This heightened tension, resulted in the soldiers quickly thinking the vehicle was hostile at the time. Third, the vehicle arrived before the leader checks could be made on the TCP. Finally, with the direction of fire from [redacted] and [redacted] towards the vehicle, the distance of the vehicle from SPC Anderson, and the preliminary results of a competent medical examiner, it is very likely that the projectile that penetrated through SPC Anderson was a result of a ricochet. As the investigating officer, I have examined all evidence gathered and determined this incident was more than likely caused by a ricochet round. However, there is a possibility that SPC Anderson's death was a result of direct fire from friendly forces.

Recommendation: No disciplinary action be taken against the soldiers involved in SPC Anderson's death. As detailed in this investigation the chain of command ensured the soldiers were properly prepared to execute their assigned mission. The soldiers were trained on the execution of traffic control points and the mission conducted during the TOA with 1-161 IN, and on this very evening the same team had already successfully executed one TCP in the vicinity of the Jisr Diyala Traffic Circle. The soldiers involved were qualified on their assigned weapon and acted IAW the established Rules of Engagement for Iraq. Leaders conducted detailed rehearsals that included actions on contact and conducted PCCs and PCIs. While the incident that occurred on the evening of 27 February at [redacted] is tragic, it occurred as a result of SPC Anderson being struck by a ricochet round when [redacted] and [redacted] engaged an oncoming car that was believed to be hostile, but was in fact being driven by an unlicensed, illiterate, and partially blind elderly Iraqi male. As with every mission conducted by the Battalion, the unit AARs it's operation to discern procedures that are working well and those that need to be improved. The battalion is already incorporating the recommendations contained in the AAR for this mission, a copy of which is enclosed at Tab AAR. Several specific actions are being taken to prevent this from happening in the future. These include: limited visibility weapon training at Butler Range Complex to familiarize soldiers with the ACOG and M68 at night and the corresponding loss in peripheral vision, use of PLS flatracks with barrier material preloaded to funnel traffic, increase use of high intensity spotlights on TCPs, use of [redacted] bags placed in a row for speed bumps, purchase of portable directional tire spikes to stop cars from turning around, use of collapsible [redacted] HMMWVs, use of heavy tracked vehicles up front near the STOP line, keep dismounts in the search area, and adjust priorities of [redacted] that assignment and the subsequent acknowledgement of sectors of fire is accomplished before vehicles begin to arrive at the checkpoint.

(Continued from page 3 Section IV - Findings)

As a result, [redacted] fired a warning shot away from the vehicle in an open field to the left of him (Exhibit K, N, O, & S). With the vehicle not slowing down and quickly closing the distance to their position, [redacted] began to fire their weapons (Exhibit K, N, O, & W). [redacted] had a M16A2 and expended a full 30 round magazine into the vehicle (Exhibit R). [redacted] had a M249 SAW and expended a full cartridge containing 125 rounds of linked 5.56mm (Exhibit R). SPC Anderson was located behind [redacted] and [redacted] during the shooting. Once the vehicle was within 50m of these two soldiers, they displaced to an alternate position opposite the direction of travel of the vehicle (right flank) (Exhibit S).

At this time, two more soldiers, [redacted], began to engage the vehicle (Exhibit S & W) because it was still approaching at high speed and was now inside the checkpoint (Exhibit AE & AG). [redacted] was positioned at the front of the FAASV to the right rear of SPC Anderson (Exhibit S & AO); [redacted] was initially located on the right side of the FAASV but then moved to the left rear of the FAASV to seek cover (Exhibit A, O, & W). Both service members had M16A2s and expended 3 rounds each into the vehicle (Exhibit R, S, & W). During the shooting, the vehicle broke through the checkpoint and continued in the direction of SPC Anderson (Exhibit AE & AG). As SPC Anderson attempted to evade the vehicle by moving to his left, knowing that [redacted] and [redacted] were to his right flank and engaging the vehicle, he was struck by a ricochet round. The vehicle veered off the road coming to an abrupt stop in a ditch running parallel to the road approximately 10 feet from where SPC Anderson had been standing (Exhibit AG). The engagement lasted for no more than 30 seconds as stated in Exhibit S & AW; with 160 rounds of 5.56mm fired into the vehicle. The soldiers who fired their weapons claim that they continued to fire until the vehicle came to a stop and no longer posed a threat.

As indicated by [redacted], Medical Examiner, in Dover AFB, in the preliminary autopsy report, SPC Anderson's wound is consistent with "being struck by a ricochet round" (Exhibit AY). From the autopsy report, the direction of the round traveled through SPC Anderson's body from the right to the left, from the back to the front and down. This indicates that the projectile most likely originated from either [redacted] weapon ricocheting off the vehicle and striking SPC Anderson. As a result, numerous arteries, veins, and muscles were damaged causing the death of SPC Anderson. In addition, according to the trace evidence from the autopsy, a deformed fragment of copper jacket with portion of gray core attached and a steel conical penetrator from beneath the skin of the lower left abdomen was recovered.

In the e-mail between [redacted] (Exhibit BA), the possibility of this incident being a result of a direct engagement is a possibility. However, after considering all the evidence gathered to date, to include the autopsy report from a competent medical examiner, I have determined that SPC Anderson was more than likely struck by a ricochet round. From the place where the vehicle stopped and the positions of [redacted], it is likely that a round ricocheted off the front of the vehicle and traveled in the direction of SPC Anderson. With the short distance between SPC Anderson, the vehicle, and the firers, it is very probable that the round was still traveling at a high rate of speed and was able to penetrate through SPC Anderson's body. Also, in [redacted] sworn statement (Exhibit AZ), it was stated that he witnessed a few rounds ricochet off the vehicle. In addition, with the round entering from the right to the left, the back to the front and down, it proves that SPC Anderson was moving towards his left allowing the round to enter his body from the lower right back. This indicates that SPC Anderson was very aware that all the shooting was coming from his right giving him no choice but to move left past the end of the large pipe to avoid being hit by the car.

Immediately after the firing ceased, [redacted] began accountability procedures of his force. [redacted] immediately saw SPC Anderson lying on the ground and rushed to his location (Exhibit N). In less than 60 seconds a medic, [redacted] was on site providing medical care for SPC Anderson. According to [redacted], SPC Anderson initially had a faint pulse but quickly stopped breathing (Exhibit I). At that time, [redacted] inserted a J tube to prevent SPC Anderson's tongue from blocking his airway. He then removed SPC Anderson's flak vest, where he noticed the wound on the lower left quadrant of the abdomen. [redacted] then transferred SPC Anderson onto a litter where he immediately noticed that SPC Anderson stopped breathing. [redacted] initiated rescue breathing and eventually conducted 2 cycles of CPR, but SPC Anderson lost his pulse (Exhibit AV). It was then determined to air medevac SPC Anderson onto a litter where he immediately noticed that SPC Anderson stopped breathing. [redacted] initiated rescue breathing and eventually conducted 2 cycles of CPR, but SPC Anderson lost his pulse (Exhibit AV). It was then determined to air medevac SPC Anderson from the scene. [redacted] made several attempts to call an air medevac using both the medevac freq and the sheriff net, but could not get a response (Exhibit T & V). At that point, he decided to ground medevac SPC Anderson to the consolidated aid station at [redacted]. SPC Anderson arrived at the aid station with no pulse and his eyes were fixed and dilated (Exhibit T, U, & V). CPR was initiated and continued for approximately a minute and a half (Exhibit V). He was then reassessed by [redacted] and it was determined that SPC Anderson was not responding to resuscitation efforts (Exhibit T, U, & V). SPC Anderson was pronounced dead at 27 2108 FEB 05 (Exhibits U, V, & AD).

After further investigation that night at the TCP, it was determined that the Iraqi national driving the civilian vehicle was not armed with a weapon (Exhibits N, M, O, P, Q, & S). Therefore, it was very possible that this incident resulted from a ricochet originating from a friendly firer engaging the target vehicle as it attempted to run the TCP.

I interviewed the Iraqi National (IN) that drove the vehicle through the TCP. His name is [redacted] and he is 75yrs old. He was coming from the Abuthaila District and going home to [redacted]. During the interview, he admitted that he is unable to read and write Arabic (Exhibit AP). He also admitted that he has very poor eyesight. He does not wear prescription glasses and cannot see past 50 meters, which equates to less than 2 seconds of reaction time based on his estimated speed. His last eye exam was 2 years ago. He doesn't have a driver's license, and he admits that he has been operating a vehicle while unqualified for over 40 years. He claims he doesn't drink alcohol and had no weapons in his vehicle at the time he attempted to run the TCP. He also claims that he didn't see any orange cones, chemlites, and signs that indicated that a TCP was being conducted. He didn't hear [redacted] shout "Awgaf, Awgaf" nor did he see the hand signals for "stop" presented by [redacted]. Finally, the Iraqi civilian claims he was driving his vehicle at a speed of 20 mph and stopped his vehicle when he heard the warning snor fired by [redacted]. (Exhibit AP).

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

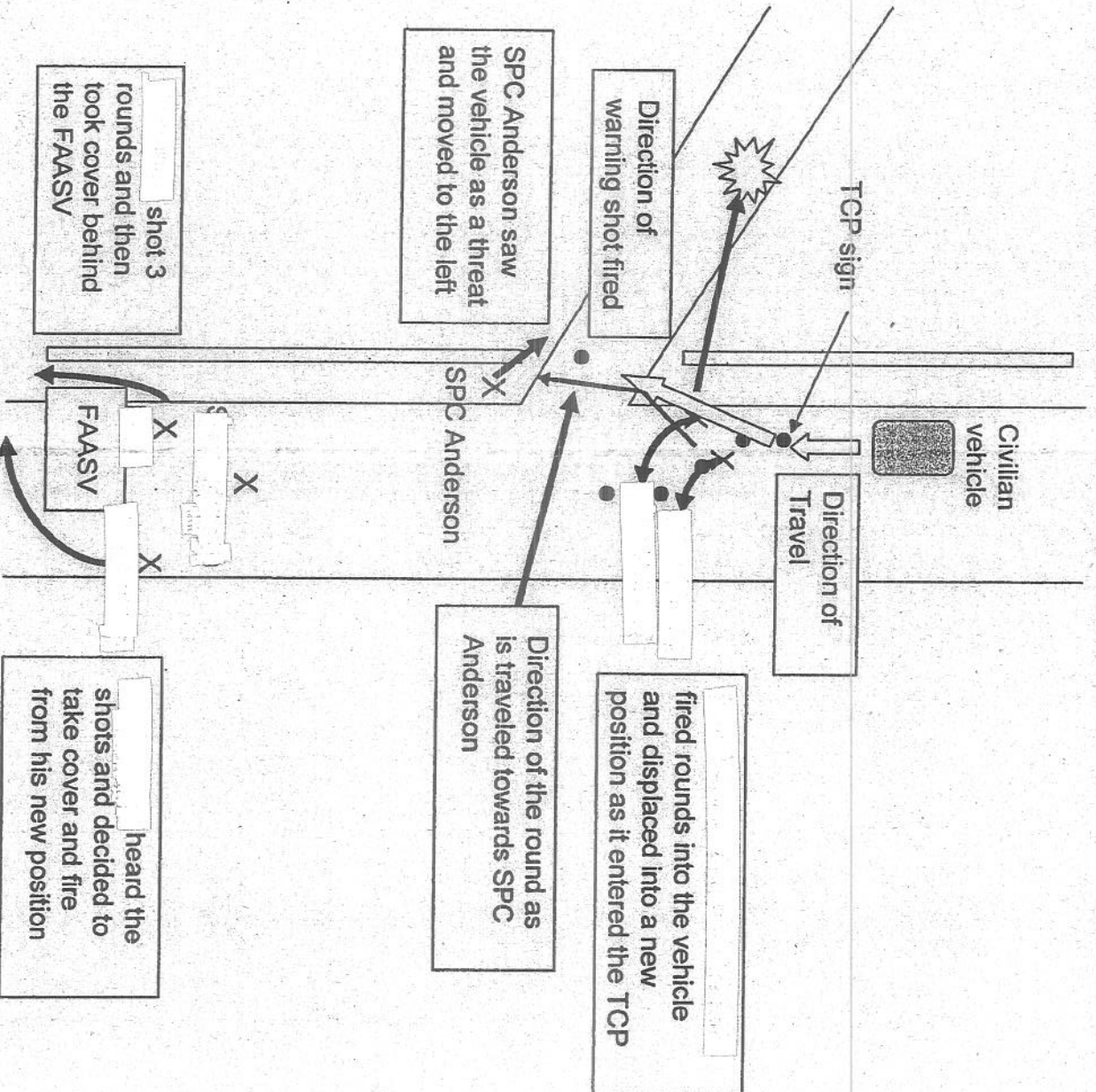
(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/conditions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

TCP Actions at JD Traffic Circle

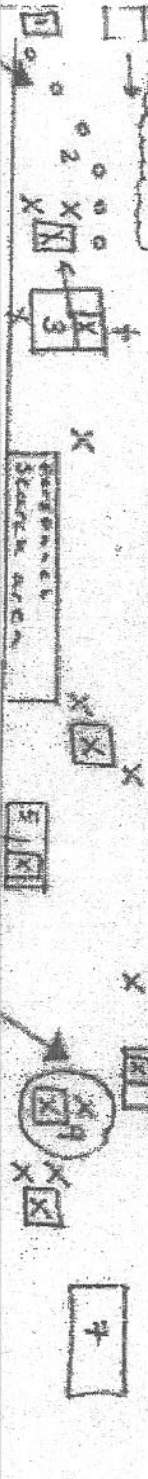


- Cones w/ chemlites

HERE IS A DIAGRAM OF THE TCP:

(AT THE TIME OF THE INCIDENT, WE WERE STILL SETTING UP)

AREA OF THE INCIDENT



1. Reflective vehicle search area sign
2. AND 2 soldiers
3. FAASV
4. 1114
5. 1114
6. FAASV
7. CIVILIAN CAR
8. CIVILIAN CAR THAT CAUSED INCIDENT
- 9.
10. ☒ NCO'S

Cones of search lights

- * EACH VEHICLE WAS GIVEN SPOTLIGHTS
- * EACH NCO HAD A MOTOROLA RADIO
- * ONE INTERPRETER ON THE SCENE
- * ONE MEDIC AND 2 CERTIFIED CTS PERSONNEL ON SCENE
- * ESS ON ALL OF ONE MOUNTED CDS SEARCHED WEAPONS.
- * 12 MAKING LIGHTS ON SCENE.
- * 2 FAASV'S WHICH WE BROUGHT OUT FOR THE FIRST TIME BECAUSE OF THE TCP.

THE TCP WAS CONDUCTED IN THE FROP CHECKLIST, BUT THERE WAS SOME MINOR ADJUSTMENTS DUE TO EQUIPMENT. IE LACK OF PHYSICAL BARRIERS SUCH AS SAWHOUSES. AND DUE TO HOW QUICKLY THE INCIDENT OCCURRED FROM THE TIME THAT WE GOT ON THE GROUND.

PRIVACY ACT STATEMENT

DATA REQUESTED BY THE PRIVACY ACT

AUTHORITY: Title 18 United States Code Section 1013

PRINCIPAL PURPOSE: To provide commanders with information for responding to the situation outlined in the AF 15-6 Appointment Order

ROUTINE USES: Any information that you provide is disseminated to members of the Department of Defense who have a need to know the information in the performance of their duties.

DISCLOSURE: Is mandatory unless you are suspected of having committed an offense under the UCMJ or other criminal code. If you are suspected of having committed an offense your decision on whether to disclose information is voluntary and will be preceded by advisement under ART 31, UCMJ. There will be no adverse effect on you for not furnishing the information if you are suspected of having committed an offense.

I acknowledge having read the above Privacy Act statement.

[Redacted]
(Print Name)

[Redacted]
(Signature)

[Redacted]
(Print Name)

[Redacted]
(Signature)

[Redacted]
(Print Name)

[Redacted]
(Signature)

[Redacted]
(Print Name)

[Redacted]
(Signature)

[Redacted]
(Print Name)

[Redacted]
(Signature)

PRIVACY ACT STATEMENT

DATA REQUIRED BY THE PRIVACY ACT

ACTUALITY: Title 11 United States Code Section 1011

PRINCIPAL PURPOSE: To provide commanders with information for responding to the situation outlined in the AF 15-6 Appointment Order

ROUTINE USES: Any information that you provide is disclosable to members of the Department of Defense who have a need to know the information in the performance to their duties

DISCLOSURE: Is mandatory unless you are suspected of having committed an offense under the UCMJ or other criminal code. If you are suspected of having committed an offense your decision on whether to disclose information is voluntary and will be preceded by advisement under AR 11-20M. There will be no adverse effect on you for not furnishing the information if you are suspected of having committed an offense.

I acknowledge having read the above Privacy Act statement.

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

John P. ...

[Signature]

Privacy Act Statement

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 11, Criminal Statutes Code Section 3013

PRINCIPAL PURPOSE: To provide commanders with information for responding to the allegations outlined in the 15-10-1 Appointment Order

ROUTINE USES: Any information that you provide is disseminated to members of the Department of Defense who have a need to know the information in the performance of their duties.

DISCLOSURE Is mandatory unless you are suspected of having committed an offense under the UCMJ or other criminal code. If you are suspected of having committed an offense your decision in whether to disclose information is voluntary and will be protected by advisement under 32CFR 1.101. There will be no adverse effect on you for not furnishing the information if you are suspected of having committed an offense.

I acknowledge having read the above Privacy Act statement.

Print Name

Signature

Signature

Print Name

Signature

Print Name

Signature

PRIVACY ACT STATEMENT

DATA ACQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10 United States Code Section 2613

PRINCIPAL PURPOSE: To provide commanders with information for responding to the situation outlined in the AR 15-6 Appointment Order

ROUTINE USES: Any information that you provide is disclosable to members of the Department of Defense who have a need to know the information in the performance to their duties.

DISCLOSURE: Is mandatory unless you are suspected of having committed an offense under the UCMJ or other criminal code. If you are suspected of having committed an offense your decision on whether to disclose information is voluntary and will be preceded by advisement under AFI 11. UCMJ. There will be no adverse effect on you for not furnishing the information if you are suspected of having committed an offense.

I acknowledge having read the above Privacy Act statement.

(Print Name)

(Signature)

Print Name

(Signature)

Print Name

(Signature)

Print Name

(Signature)

Print Name

(Signature)

SWORN STATEMENT

For use at this form, use AR 100-45, the previous agency is ODCSOPS.

PRIVACY ACT STATEMENT

AUTHORITY: Title 28 USC, Section 2651; Title 5 USC, Section 2951; E.O. 12958 dated November 22, 1983 (SSR).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an official internal means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp Patriot Iraq	2. DATE (YYYYMMDD) 2105/01/27	3. TIME 2242	4. FREE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E7	
8. ORGANIZATION OR ADDRESS [REDACTED]			

I, [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 27 February 2005 at approximately 2029, the TOC received a radio transmission from [REDACTED] 6 informing us that 1 Friendly and 1 Iraqi were WIA at grid [REDACTED]. Reported to Spartan X-ray, TOC asked [REDACTED] in 6 the particulars of the incident. Assassin 6 reported that it appeared to be an Iraqi of unknown status (IP, ING, L.N) who tried to run the TCP which had been established at the above [REDACTED] location. Informing TOC that the casualties were being treated and that they were going to ground evacuate them. Informing [REDACTED] 6. 6 called again and reported they were going to contact Air MEDEVAC to transport friendly and Iraqi WIA. Subsequent report from A6 was the they were not able to reach Air MEDEVAC and that they were going to ground evacuate the [REDACTED] and the Iraqi. Informing [REDACTED] X-Ray. Received message from A6 at 2042 that the Friendly WIA had departed for [REDACTED] by M1114 and was being ground evacuated to [REDACTED] h. Confirmed with [REDACTED] X-ray that friendly WIA had arrived Rustimyah. Iraqi WIA was Air MEDAVACed at 2153. Assassin 6 was instructed to continue the mission. TOC continued to monitor for updates. Received message from A6 at 2216 that the Iraqi was a 60 to 70 year old male. No weapons found in car. At 2237 [REDACTED] 6 transmitted an up-date, stating that the TCP had traffic cones with chem lights on top of them and were visible for approximately 200 - 300 meter. Car approached TCP and did not attempt to stop. TCP personnel shot a warning shot and the vehicle still did not stop. Vehicle went through TCP and continued at which time 4 personnel engaged the vehicle with 3x M16A2 and 1x M249 5.56 ammunition. Approximately 40 rounds of 5.56 from 3x M16s and 50 rounds of 5.56 were used to stop the vehicle. [REDACTED] 6 stated that current determination is that the Friendly individual was struck under the chest plate by a ricochet bullet not by friendly fire. END OF STATEMENT

Q: Was there any traffic that came over the net stating that there was enemy fire?
A: When it first came over the net, yes, but at the end of the situation, it was stated that the Iraqi national had no weapons.
Q: Who stated that the Iraqi national did not have any weapons?
A: [REDACTED] 6
Q: Did any traffic come over the net regarding who gave the command to fire?
A: No
Q: Who stated that 40 rds of 5.56 from 3x M16s and 50 rds of 5.56 from M249 was fired?
A: [REDACTED] 6

10. EXHIBIT	11. INITIALS FOR PERSONAL STATEMENT	PAGE 1 OF 2
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED]"

TAKEN AT

DATED

SECTION OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

TAKEN AT

DATED

2003/01/27

STATEMENT (Continued)

SIGNATURE OF PERSON MAKING STATEMENT

PAGE 2 OF 21

STATEMENT OF

TAKEN AT

DATED

2006/01/27

STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to

administer oaths, this 27 day of February, 2006
at [REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS
[REDACTED]

ORGANIZATION OR ADDRESS
[REDACTED]

DETAILS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

For info of the form, use AR 100-10, the Department Agency of GOLFERS

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To provide clarity and to improve correspondence with users in which information may be necessary, modified

This report is not to be used as an official document of the Center to facilitate filing and retrieval.

Disclosing of your Social Security number is voluntary

CLOSURE

1. LOCATION T03				2. DATE (YYYYMMDD) 2005 02 27		3. TIME 2248		4. FILE NUMBER	
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]				6. SSN [REDACTED]		7. GRADE/STATUS D-3			
8. ORGANIZATION OR ADDRESS [REDACTED]									

_____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

That at 272029 FEB 05 our Technical Operations Center received a transmission over the FM net from [] 20 to [] 6 that he had encountered some kind of event. The transmissions were mostly static, but the voice was audible. When [] 6 called [] Kray, the TOC call sign, the initial report was 1 KIA and 1 MIA. Moments afterward, he came back on the net and notified us that they had 1 US WIA and 1 Iraqi WIA at grid []. We received an [] initial report that [] 20 had set up a "snip TCI" and had a car accelerate into it. Shots were fired and 1 soldier had been wounded. Soon after, the TOC received an update that the medevac on the ground decided to evacuate the US WIA by air, and the Iraqi WIA by ground. Shortly later, [] 6 reported that the medevac had decided that they were both stable and that the US and Iraqi wounded would be ground evacuated. We then called [] over the SEC net, to alert them of the arriving wounded soldier. We continued to receive updates from [] 6 as he tried to clean up the incident over the radio. At approximately 2145 I learned that the soldier's

FD-302 (REV. 11-27-70)	1. INITIALS OF THE PERSON MAKING THE STATEMENT	PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.		

STATEMENT OF

TAKEN BY

2248

DATED

27 Feb 05

STATEMENT (continued)

status was now KIA from our SI who had just talked to BDE. At approximately 0237 we received direction on the incident from [redacted] over the radio. The following is the situation as I understood it over the radio. He said that after talking to the soldiers who were on the ground at the scene he was able to paint a clearer picture of the events. The [redacted] 20 elements on the ground had just placed a "stop sign" on the road and vehicles had begun to yield to the soldiers direction. Suddenly a vehicle drove straight at the soldiers, who fired warning shots trying to stop the vehicle. The vehicle accelerated and the soldiers fired at the vehicle hostile intent. From what [redacted] said he could ascertain from the reports of the soldiers, the position of the KIA soldier, and the direction of fire, the attacking round appeared to be from a rocket into the soldier's stomach just beneath his heart. Throughout the night events, I was in frequent contact with Brigade over the VHF phone. Additionally I was positioned next to the BWS by the radio throughout the entire event. Nothing follows - [redacted]

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

TITLE OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oath)

PAGE 1 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AH 100-45, the pertinent agency is GUCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 501; Title 5 USC Section 2051; E.O. 13526 dated November 20, 2001 (SSA)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with access to which information may be accurately identified.
ROUTINE USE: Your social security number is used as an additional means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION CAMP [REDACTED], BAGHDAD, IRAQ	2. DATE (YYYYMMDD) 20050228	3. TIME 2330	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS O-4	
8. ORGANIZATION OR ADDRESS [REDACTED]			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On 27 FEB 05, [REDACTED] EXECUTED A SERIES OF TRAFFIC CONTROL POINTS (TCPs) VICINITY CPST9, [REDACTED]. THE CONCEPT OF THE OPERATION WAS ALPHA BATTERY SECURED THE TRAFFIC CIRCLE AT CPST9 WITH ONE PATROL SECTION, TWO ADDITIONAL ALPHA PATROL SECTIONS ESTABLISH TCPs LEADING INTO CPST9, ONE ALPHA PATROL SECTION USED AS THE BATTERY RESERVE, ONE BRAVO PATROL SECTION OCCUPIES [REDACTED] TO PROTECT THE [REDACTED] UAV TEAM AND ACT AS A POSSIBLE QRF, AND ONE HEADQUARTER PATROL SECTION INTERDICTS CROSS MOBILITY CORRIDORS BETWEEN ROUTE [REDACTED] AND ROUTE [REDACTED]. I RECEIVED A BACKBRIEF FROM [REDACTED], ALPHA BATTERY COMMANDER, ON HIS SCHEME OF MANEUVER ON 26 FEB 05. I GAVE GUIDANCE TO [REDACTED] NOT TO EXECUTE A STATIC SET OF TCPs. INSTEAD, I INSTRUCTED [REDACTED] TO SHIFT THE LOCATION OF HIS TCPs EVERY 45-60 MINUTES TO MITIGATE THE POTENTIAL FOR AIF TARGETING OR AIF BYPASS DUE TO INFORMANTS IN THE [REDACTED] AREA. AT APPROXIMATELY 2720Z FEB 05, I MONITORED A CALL FROM ALPHA CP, [REDACTED], TO ALPHA 6, [REDACTED] REPORTING AN ENGAGEMENT WITH A VEHICLE RESULTING IN ONE FRIENDLY KIA AND ONE LOCAL NATIONAL KIA. REPORTS OVER THE NEXT THREE HOURS INDICATED THAT A SINGLE LOCAL NATIONAL MALE APPROXIMATELY 60-70 YEARS OF AGE WITH POOR EYESIGHT FAILED TO YIELD AT A TCP ESTABLISHED AT

10. EXHIBIT	11. INITIALS OF STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATES [REDACTED]"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

TAKEN AT

DATED

28 FEB 05

STATEMENT OF

VICINITY OF [REDACTED] APPROXIMATELY 4 TO 5 WARNING SHOTS WERE FIRED FROM A MILWAUKEE AND APPROXIMATELY 50 ROUNDS OF M249 AMMUNITION WAS ALSO FIRED AS WARNING SHOTS. THE CAR STILL DID NOT YIELD. THE SOLDIERS AT THE TOP THEN ENGAGED THE VEHICLE WITH DEADLY FORCE. DURING THE ENGAGEMENT, THE LOCAL NATIONAL DRIVING THE VEHICLE AND SPC ANDERSON, BROTHER DASBTO, WERE WOUNDED. FROM THE LOCATION OF THE WOUND, INITIAL ASSESSMENT WAS A FRIENDLY FIRE RICOCHET CAUSED SPC ANDERSON'S WOUND. SPC ANDERSON WAS EVACUATED BY GROUND TO [REDACTED]. AT 272229 FEB 05, [REDACTED], [REDACTED] COMMANDER, INFORMED ME THAT SPC ANDERSON HAD DIED. I RELATED THAT INFORMATION TO [REDACTED] COMMANDER, WITH A FREE TEXT MESSAGE ON FB002 NOTHING

FOLLOWING

Q: Did any traffic come over the net stating who initiated the command to fire warning shots?

A: No report that anyone specifically order warning shots be fired!

Q: Did any traffic come over the net stating that there was enemy fire?

A: There were no reports stating enemy fire.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT INFLUENCE, OR UNLAWFUL INFLUENCE.

Signature of Person Making Statement

WITNESSES

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of FEBRUARY, 2005

Signature of Person Administering Oath

(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER

(Authority To Administer Oath)

ORGANIZATION OR ADDRESS

GALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 100-45; the preparing agency is GOCADPS

PRIVACY ACT STATEMENT

AUTHORITY:

Title 10 USC Section 3071; Title 5 USC Section 2051; E.O. 13526 dated November 22, 1993 (SSSI)

PRINCIPAL PURPOSE:

To provide confidence and gain self-assessment of those with means by which information may be accurately identified.

ROUTINE USES:

Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION

I Bag Bag Dad

2. DATE (YY/MM/DD)

27 05 Feb 21

3. TIME

4. PRENUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

7. GRADE/STATUS

336/E-6

6. ORGANIZATION OR ADDRESS

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 2015 On the 27 Feb 05 [redacted] Red-act [redacted]
 That there were gun shots a grid [redacted] Reason for gun shot was
 the Iraqi ran CP Afterwards [redacted] called up a report that there was one friendly
 WIA and 1 Iraqi WIA. The friendly WIA was transported by vehicle to FOB [redacted]
 And the Iraqi WIA was medevac out of the AO where [redacted] abouts I do not
 know (Unknown)

Q: What was the length of time between the report of
 shots fired and the report of a WIA?

A: Approximately 30 sec. [redacted]

Q: What was the reason for gun shots?

A: An Iraqi national was approaching the TCP and increased his
 speed. At that point a warning shot was fired [redacted]

Q: Was there any traffic that came over the net that implied
 the gun shots were enemy initiated?

A: no [redacted]

Q: How many warning shots were fired?

A: At first one. After the [redacted] car increased speed, 4 shot were
 fired at the vehicle.

10. EXHIBIT

INITIALS OF PERSON

MAKING STATEMENT

PAGE 1 OF

2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE WORDING "STATEMENT OF

TAKEN AT

DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBERS MUST BE INDICATED.

STATEMENT OF

TAKEN AT

DATE 27 Feb 85

STATEMENT (Continued)

Q: Do you know who gave the command to fire the weapons?

A: negative

Q: Did a report come over the net indicating that the enemy had a weapon?

A: negative

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE

2. I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS
STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

Signature of Person Making Statement

Subscribed and sworn to before me, a person authorized by law to
administer oaths, this 27 day of FEBRUARY, 2005

at H 2330 HRS

Signature of Person Administering Oath

Printed Name of Person Administering Oath

INVESTIGATING OFFICER

Authority To Administer Oath

END OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 100-45; the proponent agency is HHCDDPS.

PRIVACY ACT STATEMENT

AUTHORITY:

Title 38 USC Section 561; Title 5 USC Section 552, E.O. 13526 dated November 22, 1995 (SSA)

PRINCIPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your social security number is used as an additional means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION

JD. Filler Circle

2. DATE (YYYYMMDD)

2/27/05

3. TIME

unk

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

[REDACTED]

7. GRADE/STATUS

E-3 PFC

6. ORGANIZATION OR ADDRESS

Comp. patient

WENT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was pulling Security on the left side of the second Cat off the road near the pipeline.

I heard the arabic word fu stop several times and some other indistinguishable yelling the about 10-15 sec of heavy firing. I saw a light colored car wear to the left side of the road and come to a stop. At this point I grabbed my aid bag from the Cat and hastily proceeded to the scene. as wounded the first at I heard "Anderson's been hit" I saw several people around SPC Anderson on the ground. I started a rapid Assessment Inserted a "J" tube and expose the wound. The pt was breathing deeply & w/o any rythens. The pt had a faint pulse and then stopped breathing. A attempted several rescue breaths and about 6-7 breaths in & lost

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF

PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [NAME] TAKEN AT [DATE] BY [NAME]"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

DATE

2/28/85

2. STATEMENT

his pulse. The litter was preped at this time due to time concerns. A 1114 was taken for evac. The litter was too long and the rear pas. door didn't close fully on the way to the door struck a barrier and broke a litter pole the door didn't strike the pt. because the my arm was between the door & pt. We reached [CROSS] and I transferred the pt. to them. Nothing follows

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

Signature of Person Making Statement

WITNESS:

Subscribed and sworn to before me, a person authorized by law to

administer oaths, this

28

day of

FEBRUARY, 1985

ORGANIZATION OR ADDRESS

Signature of Person Administering Oath

Typed Name of Person Administering Oath

INVESTIGATING OFFICER

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

TITLE OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

IS-6 Investigation (SPC Anderson)

1. What was task and purpose during this mission?

☐ Task: Traffic Control Point

☐ Purpose: prevent enemy movement of personnel/equipment

2. Explain, in your words, what happened at the TCP?

☐ A car did not stop, rounds were fired

☐ A soldier died

3. Was there any warning shots fired? If so, who gave the command to fire warning shots?

☐ UNK

4. Was there any enemy fire?

☐ UNK - I did not hear/observe any

5. Did the enemy pose a threat? If so, what was the decision point to engage the enemy?

☐ UNK

6. Did the enemy have any weapons?

☐ UNK

7. What was SPC Anderson's location in relation to yours?

☐ forward in the front of the TCP

8. Did you observe SPC Anderson's actions in during the shooting?

☐ NO

9. What was SPC Anderson's position during the actions on objective?

☐ did not observe

10. Was SPC Anderson wearing the proper uniform, i.e flak vest, SAPI plates, Kevlar, etc...?

☐ UNK

Comments: none

Q: Did you see any of the shooting going on?
A: No, because I was at the other end of the check point
I heard "Augaf, Augaf" and then I was see of heavy
firing [redacted]

Q: Did you see the wound?

A: Yes [redacted]

Q: What was your assessment?

A: penetrating gunshot wound to the lower left quadron
to the abdomen [redacted]

Q: How many wounds did you see?

A: Just one, but [redacted] said he saw 2 wounds. [redacted]

Q: How long was SPC Anderson down before he was
given medical care?

A: under a minute, I grabbed my aid bag as soon as
I heard the shooting. [redacted]

[redacted] 2/28/05

SWORN STATEMENT

For use of this form, see AR 190-45, the proper address is DD FORM 1

PRIVACY ACT STATEMENT

AUTHORITY: Title 28 USC Section 531; Title 5 USC Section 552; E.O. 12958 dated November 22, 1993 /SSM
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified
ROUTINE USES: Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval
DISCLOSURE: Disclosure of your social security number is voluntary

1. LOCATION: Camp [redacted] 2. DATE (YYYYMMDD): 20050216 3. TIME: 0107 4. FILE NUMBER:
 5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted] 6. GRADE/STATUS: E-5
 7. ORGANIZATION/IC ADDRESS: [redacted]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

That on the night in question which was 20 Persons - while sitting in my ammo carrier as the gunner, it was going across the field that there is a car coming at a fast rate in speed. At this point my head and weapon was pointing to the dirt road towards the left of traffic. Next thing I knew I heard one shot, then a series of shot, still I'm maintaining my sector of fire. Maybe about 45 to 50 sec before the shooting stop I hear Spec. Anderson say "O shit I'm hit" and fall to the ground. Once the shooting stopped everyone that was on the ground and in the area came to see if he was OK.

falling to the floor

10. EXHIBIT

11. (INITIALS OF THE PERSON MAKING THE STATEMENT)

PAGE 1 OF 1 PAGE

ADDITIONAL PAGES MUST CONTAIN THE WORDING "STATEMENT OF"

TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND PAGE NUMBER MUST BE SO INDICATED.

STATEMENT OF

TAKEN AT

DATED

STATEMENT (Continued)

Nothing to Report

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND WHICH ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
Signature of Person Making Statement

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of FEBRUARY, 2005.

[REDACTED]
Signature of Person Administering Oath

[REDACTED]
Typed Name of Person Administering Oath

INVESTIGATING OFFICER
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

15-6 Investigation (SPC Anderson)

- ☐ 1. What was task and purpose during this mission?
Task: To conduct a Traffic control Point
Purpose: To make sure no one is a hazard to us (us going) and themselves
- ☐ 2. Explain, in your words, what happened at the TCP? While conducting and setting up a TCP a vehicle was speeding towards the Area of operations, when the soldiers on the ground tried to stop the vehicle the civilians wouldn't stop, so they opened fire on the vehicle so it would stop
- ☐ 3. Who is they? K. ☐
Was there any warning shots fired? If so, who gave the command to fire warning shots? There was a warning shot / Don't know who gave the command
- ☐ 4. Was there any enemy fire? No enemy fire
- ☐ 5. Did the enemy pose a threat? If so, what was the decision point to engage the enemy? There was a threat posed. When the driver disregarded all warnings and warnings to stop
- ☐ 6. Did the enemy have any weapons? Not to my knowledge
- ☐ 7. What was SPC Anderson's location in relation to yours? He was at my feet right
- ☐ 8. Did you observe SPC Anderson's actions in during the shooting? No
- ☐ 9. What was SPC Anderson's position during the actions on objective? Don't know
- ☐ 10. Was SPC Anderson wearing the proper uniform, i.e flak vest, SAP plates, Kevlar, etc...? Yes he was

Comments:

Q: Did you see any part of the shooting?

A: No [redacted]

What were you doing during the shooting?

A: Observing my sector of fire. [redacted]

Q: Where was your sector of fire.

A: Out towards the left of incoming traffic. [redacted]

Q: Was SPC Anderson in your sight?

A: No. [redacted]

Q: What was [redacted] doing?

A: he was on the ground. I had no visibility. [redacted]

Nothing to Follow

[redacted] 24 Feb 65

SWORN STATEMENT

For use of this form, see AF 130-45, the personnel agency or DDCS/OPS

PRIVACY ACT STATEMENT

AUTHORITY:

See 10 USC Section 351, Title 5 USC Section 2051, E.O. #3827 dated November 21, 1943 (SSAN)

PRINCIPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ADDITIONAL USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION

Carri Patriot

2. DATE ATTEMPTED

2005 19 02

3. TIME

0107

4. FILE NUMBER

5. LAST NAME, FIRST NAME, INITIALS, SUFFIX

6. SSN

7. GRADE/STATUS

YEC/E-3

8. UNCLASSIFIED OR SENSITIVE

9.

NAME TO MAKE THE FOLLOWING STATEMENT UNDER OATH

ME E

Went standing on the road when a vehicle proceeded
towards me. Rate of speed was approximately 40 mph. I
saw signs to halt or stop. The car did not
change rate of speed, so when vehicle got
about 10 feet I fired a warning shot to the left of
the car into the dirt. After the vehicle kept coming, so
that's when the two of us fired,

Nothing follows

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF

PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT

DATED

AT BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBERS MUST BE INDICATED

STATEMENT OF

TAKEN AT

DATED

2005 2P 12

STATEMENT (Continued)

AFFIDAVIT

WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE

OF ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT

I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT

I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE

Signature of Person Making Statement

Subscribed and sworn to before me, a person authorized to administer oaths, on

at

28

day of

FEBRUARY, 2005

at

Signature of Person Administering Oath

Typed Name of Person Administering Oath

INVESTIGATING OFFICER

Authority To Administer Oath

WITNESSES:

ADDRESS

ADDRESS

END OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES